

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 16-02

AN ORDINANCE OF THE CITY COUNCIL OF TIGARD AMENDING A NON-EXCLUSIVE CABLE FRANCHISE TO QWEST BROADBAND SERVICES, INC. D/B/A CENTURYLINK TO ADD THE CITY OF BEAVERTON

WHEREAS, in 1980 the Metropolitan Area Communications Commission (hereinafter "MACC") was formed by Intergovernmental Cooperation Agreement, amended in 2002 and now an Intergovernmental Agreement (hereinafter "IGA") to enable its member jurisdictions to work cooperatively and jointly on communications issues, in particular the joint franchising of cable services and the common administration and regulation of such franchises, and the City of Tigard (hereinafter "City") is a member of MACC; and

WHEREAS, the IGA authorizes MACC and its member jurisdictions to grant one or more nonexclusive franchises for the construction, operation and maintenance of a cable service system within the combined boundaries of the member jurisdictions; and

WHEREAS, the IGA requires that each member jurisdiction to be served by the proposed franchisee must approve any cable service franchise, including amendments to those franchises; and

WHEREAS, in February 2015, Qwest Broadband Services, Inc. d/b/a CenturyLink (hereinafter "CenturyLink"), formally requested a franchise authorizing the provision of cable services to the following MACC member jurisdictions: Lake Oswego, Tigard, North Plains, West Linn and unincorporated Washington County ("Affected Jurisdictions"); and

WHEREAS, CenturyLink subsequently requested that the City of Beaverton be included in the franchise approved by the Affected Jurisdictions; and

WHEREAS, MACC has reviewed the franchisee's qualifications in accordance with federal law; and

WHEREAS, the Board of Commissioners of MACC, by Resolution 2015-08 adopted on October 29, 2015, recommended that the City amend a franchise previously granted to CenturyLink to add the City of Beaverton as a party to the franchise; and

WHEREAS, MACC and the City have provided adequate notice and opportunities for public comment on the proposed cable services franchise including a public hearing on October 29, 2015; and;

WHEREAS, the Council finds that approval of the recommended franchise amendment is in the best interest of the City and its citizens, consistent with applicable federal law;

NOW THEREFORE, THE CITY OF TIGARD OREGON ORDAINS AS FOLLOWS:

SECTION 1: The definition of "Affected Jurisdictions" in Section 1.2 of the Qwest Broadband Services, Inc. d/b/a CenturyLink non-exclusive cable services franchise granted by the City on September 8, 2015 via Ordinance 15-14 is hereby amended as follows (new text underlined): Affected Jurisdictions: Unincorporated Washington County and the cities of Beaverton, Lake Oswego, North Plains, Tigard and West Linn.

SECTION 2: The amendment of the franchise in Section 1 is conditioned upon each of the following events:

(a) The affirmative vote of the governing body of the City of Beaverton to adopt a franchise containing all material terms and conditions of the cable services franchise granted by the City of Tigard to Qwest Broadband Service, Inc. d/b/a CenturyLink; and

(b) The affirmative vote of the governing body of each of the five original affected MACC member jurisdictions (the Cities of Lake Oswego, North Plains, Tigard and West Linn, and Washington County) to amend the franchise with Qwest Broadband Services, Inc. to add the City of Beaverton as a party; and

(c) Qwest Broadband Services, Inc.'s fulfillment of the franchise acceptance provisions contained in the Franchise; and

(d) Formal written determination by the MACC Administrator that, in accordance with the requirements of the IGA, each of the above three events has occurred.

SECTION 3: This ordinance shall be effective 30 days after its passage by the council, signature by the mayor, and posting by the city recorder.

PASSED: By Unanimous vote of all council members present after being read by number and title only, this 26th day of January, 2016.

Carol A. Krager
Carol A. Krager, City Recorder

APPROVED: By Tigard City Council this 26th day of January, 2016.

John L. Cook
John L. Cook, Mayor

Approved as to form:

[Signature]
City Attorney

1/26/16
Date